

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Manager

**AGENDA DATE:** March 1, 2005

**CONTACT PERSON/PHONE:** Joyce A. Wilson, City Manager, X4844

**DISTRICT(S) AFFECTED:** N/A

**SUBJECT:**

An Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain personal, professional, independent and volunteer service contracts on behalf of the City and to create a new ordinance on the same subject.

**BACKGROUND / DISCUSSION:**

This Ordinance expands on a previous ordinance in which the Council granted authority to the City Manager, as part of the administrative changes that the Council has already made to support the new form of government, to enter into many types of human resources-related contracts. This new ordinance corrects omissions in the prior ordinance and adds professional and voluntary services agreements to types of agreements the City Manager may enter into on behalf of the City. This ordinance also adds provisions regarding the process for amending the agreements and authorizes the City Manager to terminate these agreements in accordance with the agreement's provisions.

**PRIOR COUNCIL ACTION:**

Ordinance 15893 was originally adopted by City Council on Sept. 21, 2004.

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** Joyce A. Wilson

05 FEB 21 PM 1:10  
DATE: 2/21/05  
CITY CLERK DEPT.

**AN ORDINANCE REPEALING ORDINANCE NO. 15893, GRANTING THE AUTHORITY TO THE CITY MANAGER OR THE DEPARTMENT HEAD TO ENTER INTO AND SIGN CERTAIN PERSONAL, PROFESSIONAL, INDEPENDENT AND VOLUNTEER SERVICE CONTRACTS ON BEHALF OF THE CITY AND TO CREATE A NEW ORDINANCE ON THE SAME SUBJECT.**

**WHEREAS**, on February 7, 2004, a Charter election was held and the voters of El Paso elected to amend Section 4.2 of the Charter to allow Council to, by ordinance, provide for additional designated official to sign acts of Council on behalf of the Mayor; and,

**WHEREAS**, under Section 252.022(a)(4) of the Local Government Code, personal and professional service contracts are exempt from the bidding requirements of that Section; and,

**WHEREAS**, the City enters into many personal, professional, independent and volunteer and other services contracts due to the part time, seasonal or temporary nature of certain non-civil service positions within the City; and,

**WHEREAS**, there are often factors such as a high turn over rate in some of the positions falling under Section 6.6-5 of the City Charter, thereby creating an immediate need, for reasons of economy and efficiency, to fill the positions expeditiously to enable the City to continue to provide the same level of services to the public;

**WHEREAS**, the City Council has determined that for purposes of efficiency that the City Manager or his or her designee or a Department Head be designated to enter into and sign certain contracts on behalf of the City;

**WHEREAS**, the Council desires to repeal Ordinance No. 15893 for the purpose of creating this new ordinance to add additional types of contracts to those that the City Manager or his or her designee or a Department Head may enter into and sign on behalf of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That Council hereby grants authority to the City Manager or his or her designee or the Department Head as specified below to enter into, sign and bind the City of El Paso for those contracts specified below.

- a. Personal services, professional and temporary services, independent services contracts, and other service contracts authorized under the Charter, either part-time or full time, that do not exceed a base annual salary of fifty thousand dollars or a total non-salaried compensation of fifty thousand dollars, may be entered into and signed by the City Manager or his or her designee. Personal services, professional and temporary services, independent services contracts, and other service contracts authorized under the Charter, either part-time or full time, that do not exceed a base annual salary of ten thousand dollars or a total non-salaried compensation of ten thousand dollars, may be entered into and signed by the affected Department Head. The base salary does not include fringe benefits.
  - b. Volunteer services contracts, as determined to be appropriate or necessary by the City Manager or the appropriate Department Head to include those required under Section 12.08.230 of the El Paso City Code, may be entered into and signed by the City Manager or his or her designee or the appropriate Department Head.
2. The authority to sign contracts as specified in Section 1 above, shall also include the authority to terminate such contracts as permitted under the contract and to sign an amendment to such contracts when the amount of the amendment when added to the original amount of the contract does not exceed the applicable maximum amount or when the amount of the amendment does not exceed twenty-five percent of the original amount of the contract, whichever is greater. Such authority does not permit the extension of a temporary services contract beyond one year.
3. All contracts or standard contract forms shall be approved as to form by the City Attorney or a Deputy or Assistant City Attorney prior to execution.
4. That Council hereby authorizes the City Manager to make the determination on behalf of the City Council for contracts falling under the provisions of Charter Section 6.6-5, that for reasons of economy, efficiency or to address an immediate and temporary need, it is necessary to contract with persons outside the Civil Service. Temporary service contracts falling under Section 6.6-5 of the Charter may not exceed one year in duration.
5. The City Clerk shall file and maintain the originals of all contracts entered into and signed pursuant to this ordinance in accordance with applicable records retention requirements.
6. The City Manager or his or her designee shall have the authority to sign personal, professional, independent, temporary and all other services contracts authorized in the City Charter , as may be approved by the City Council.

ADOPTED this 15<sup>th</sup> day of March 2005.

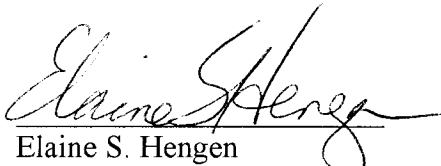
THE CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy, Mayor

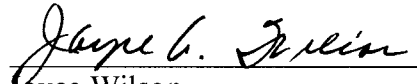
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
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Joyce Wilson  
City Manager